

Translation

PATENT COOPERATION TREATY

PCT/JP2003/002701



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 07 SEP 2004

Applicant's or agent's file reference PH-1730-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/002701	International filing date (day/month/year) 07 March 2003 (07.03.2003)	Priority date (day/month/year) 08 March 2002 (08.03.2002)
International Patent Classification (IPC) or national classification and IPC A23K 1/16, 1/18		
Applicant YUKIGUNI MAITAKE CO., LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 October 2003 (03.10.2003)	Date of completion of this report 08 June 2004 (08.06.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/002701

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-10 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-14 _____, filed with the letter of _____ 18 March 2004 (18.03.2004)
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	12-14	YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

Document 1: JP, 2001- 069921, A (Yukiko KANEKO), March 21, 2001 (03.21.01), full text (Family: none)

Document 2: JP, 2000-032924, A (Akimatsu AKAMA, K.K. Kokin Techno, Y.K. Taihei Shoji), February 2, 2000 (02.02.00), full text (Family: none)

Document 3: JP, 3260329, B (Yukiguni Maitake Corporation), December 14, 2001 (12.14.01), page 3, right column & US, 2001/0000229, A1

Document 4: JP, 2000-333617, A (K.K. Green Culture), December 5, 2000 (12.05.00), full text (Family: none)

Document 5: JP, 3-76539, A (Denka Seiyaku K.K.), April 2, 1991 (04.02.91), full text (Family: none)

Document 6: Yuichi SUZUKI etc., Maitake Saibai Shiyo Sumi Baichi o Tenka shita Shiryo ni yoru Nyuyoshu Kyoseigy no Hiiku Seiseki, Bulletin of Beef Cattle Science, 1995, No. 60, pp. 22-24

Regarding claims 1, 9 and 10

Document 1 (example 4) describes healthful feed for livestock with *Grifola frondosa* extract added thereto. Document 2 (see example 2) describes feeding *Grifola frondosa* powder at a rate of 60-525mg a day per 1kg horse weight. These descriptions are found to disclose adding *Grifola frondosa* to feed promotes animal health. If animals are healthy, it is highly probable that the growth rate will increase. A party skilled in the art could easily conceive of using the health food of document 1 for livestock meets.

Regarding claims 2 and 3

Document 3 describes a method of producing *Grifola frondosa* extract as limited in claims 2 and 3. Therefore, these claims do not appear to involve an inventive step based on documents 1 and 2, and document 3.

Regarding claims 4-7

Document 4 describes adding a dried yeast cell wall to feed. Therefore, these claims do not appear to involve an inventive step based on documents 1 and 2, and document 4. The mixing ratio of a dried yeast cell wall and *Grifola frondosa* extract is a matter of design to be accordingly set by a party skilled in the art. In addition, document 5 describes adding yeast to feed.

Regarding claims 8 and 11

Chickens, pigs and cows are typical livestock and it would be easy for a party to have chickens, pigs and cows as subjects of the healthful feed for livestock described in document 1.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V:

Regarding claims 12-14

None of documents 1-6 describes improving the taste of livestock meat by administering a substance originating in *Grifola frondosa*, nor is this obvious to a party skilled in the art.